

1992

## Church Closure; Dissolution Plan; 1992

Hyde Park Presbyterian Church

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## PROPOSED PLAN FOR DISSOLUTION OF THE CONGREGATION

HYDE PARK PRESBYTERIAN CHURCH  
2820 Michigan Avenue  
Niagara Falls, New York 14305

Submitted by:

The members of the Session  
Hyde Park Presbyterian Church

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### I. BACKGROUND.

#### A. Brief History of the Church.

Ours is an interesting history. A member of the United Presbyterian church in Iowa was visiting Niagara Falls in the late 1920's and reported to the Superintendent of Missions of the First Synod of the West that no United Presbyterian Church could be found. This was considered a challenge and plans were begun. The Board of American Mission purchased three lots and the house which is now the manse in the Hyde Park area of Niagara Falls, New York. The present church home is 2820 Michigan Avenue and the manse is located at 2818 Michigan Avenue. Dr. S. Boyd Johnson, pastor of the Stamford (Ontario) United Presbyterian Church and Miss Mildred Kiemele were given the responsibility of establishing a Sunday School. The first meeting of the Sunday School was in May 1929 in the house. It was about a year and a half later before regular preaching services were held on Sunday evenings.

The supervision of the Hyde Park Mission was turned over to the Riverside United Presbyterian Church of Buffalo in December 1930. A year later, regular morning worship services began.

The growth of the mission continued, and on March 29, 1933, Hyde Park Mission was organized as a church and the first officers were elected.

The need for space was evident and the Board of Mission gave a grant of \$3,000 to a building committee and permission to mortgage the property was granted. Ground was broken for the church in August 1934.

The work of Hyde Park United Presbyterian Church continued to grow and again it was noted that an even larger facility was needed. Approval was given at a congregational meeting in March 1956 for a Building Fund campaign to begin raising money for the last expansion of the church.



The period between the mid to late 1950's saw the largest membership and attendance at Hyde Park United Presbyterian Church. Then came the relocation of families to the suburbs or out of the area and, with it, the loss of members. The flavor of the neighborhood surrounding the church changed, becoming heavily Catholic thus leaving the potential for growth slim.

#### **B. The Situation.**

During the past few years there has been a drastic decline in the membership of Hyde Park Presbyterian Church. The Session members have tried to renew interest in non-participating members, but their efforts have been unsuccessful. The average number of participants at Sunday morning worship service is only 10-12 people.

Since Hyde Park Presbyterian Church has had no minister for the past three years, guest speakers have filled the pulpit each Sunday. It has become increasingly more difficult, however, to obtain someone to fill the role each week. Because there are so few active members, the congregation has been financially unable to afford even a part-time minister.

At the end of 1992, the offices of Treasurer and Clerk of Session will be vacant and the terms of two additional session members end. The probability of filling these positions is very low.

#### **C. Congregational Information.**

An "informal" gathering of the congregation was held on September 13, 1992 to discuss the future of the church. It was agreed at this gathering to hold an official meeting to vote on the dissolution. This meeting was held on October 11, 1992. After discussion, a written ballot presented a 12-4 vote in favor of dissolution of Hyde Park Presbyterian Church. The meeting was adjourned until October 25, 1992 to allow session members time to prepare a Plan for Dissolution. A letter was subsequently forwarded to The Presbytery of Western New York advising them of the congregation's decision.

#### **D. Dialogue with The Presbytery of Western New York.**

At their regularly scheduled meeting on October 13, 1992, William D. Schulz, Attorney at Law, and Margaret Bowen, Interim Associate Executive of Presbytery, met with the members of the Session to outline details and advise them on their plan for dissolution.



## **II. PLAN FOR DISSOLUTION.**

### **A. DATE.**

The date for dissolution of the Congregation of Hyde Park Presbyterian Church is December 31, 1992.

### **B. Action by Presbytery.**

This Plan for Dissolution will be presented for action to the Stated Meeting of the Presbytery of Western New York meeting November 24, 1992. Action to dissolve the congregation shall be taken at that meeting, as called for in G-11.0103i of the Book of Order.

The Presbytery shall elect an Administrative Commission to implement the Plan of Dissolution. The Administrative Commission shall consist of seven members, one being from the Hyde Park congregation.

The Presbytery may elect the members of the Administrative Commission as Trustees of the Hyde Park Corporation.

The Administrative Commission shall bring all actions concerning the Hyde Park Church to Presbytery, and make a final report.

### **C. Final Worship Service and Celebration Reception.**

The final Service of Worship of Hyde Park Presbyterian Church will be celebrated with the Lord's Supper on Sunday, December 27, 1992 at 10 a.m.

A catered Celebration Reception will be held following the worship service on Sunday, December 27, 1992. Reservations will be requested and there will be no charge to persons attending.

### **D. Separation Terms for Employees of the Church.**

#### **Non-Ordained Employees.**

The authority for all matters related to the Employment and Termination of non-ordained Employees of Hyde Park Presbyterian Church resides with the Session in accordance with Section G-10.0102.m of the Book of Order.

The employment of non-ordained persons currently employed by Hyde Park Presbyterian Church will be terminated effective December 31, 1992. The termination will be considered to be involuntary, without cause, and with advance notification.

#### **E. Relocation of Members of the Congregation.**

The Book of Order states the following:

When a church is dissolved, the presbytery of jurisdiction, (The Presbytery of Western New York) shall take possession of its records, have jurisdiction over its members, and grant them certificates of transfer to other churches. (G-10.0302.b.2).

Rev. Robert Bellingham of Pierce Avenue Presbyterian Church, Niagara Falls, New York will call on all members, active and inactive.

Persons presently on the rolls of Hyde Park Presbyterian Church wishing to transfer their membership to other Presbyterian or corresponding churches may request a Letter of Transfer from the Session prior to the date of dissolution. Following date of dissolution, letters requesting transfer may be directed to The Presbytery of Western New York. Transfer letters will be sent to the church requested with the person being notified of the action.

#### **F. Pastoral Care and Pastoral Services.**

After the effective date for dissolution of the Congregation, pastoral care for persons whose names have been transferred to the rolls of Presbytery will be available through The Presbytery of Western New York. This means that pastoral assistance will be available only when it is requested.

The present designated pastor of Pierce Avenue Presbyterian Church will be available for pastoral care as requested by members.

The members of the Session will assist in pastoral care of members prior to the date of dissolution.

#### **G. Church Records.**

All session records, including membership, baptismal, marriage and financial records and other historical records shall be given to the Stated Clerk of the Presbytery of Western New York for permanent storage or to be placed in the Presbyterian Historical Society.



## **H. Disposition of Church Property.**

The Book of Order states the following:

All property held by or for a particular church,...whether legal title is lodged in a corporation, a trustee or trustees, or in unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.). (G-8.0200).

Whenever property of, or held for, a particular church of the Presbyterian Church (U.S.A.) ceases to be used by that church as a particular church of the Presbyterian Church (U.S.A.) in accordance with this Constitution, such property shall be held, used, applied, transferred, or sold as provided by the presbytery. (G-8.0300).

Whenever a particular church is formally dissolved by the presbytery, or has become extinct by reason of the dispersal of its members, the abandonment of its work, or other cause, such property as it may have shall be held, used, and applied for such uses, purposes, and trusts as the presbytery may direct, limit, and appoint, or such property may be sold or disposed of as the presbytery may direct, in conformity with the Constitution of the Presbyterian Church (U.S.A.). (G-8.0400).

### **Inventory of Church Property.**

In order to accurately identify the assets of the congregation, an inventory must be taken.

The Session agrees to grant all reasonable requests from members and former members of Hyde Park Presbyterian Church for the removal of specific items of property as may have been given to Hyde Park Presbyterian Church as memorial gifts. Session also agrees to honor any requests, insofar as is possible, for disposition of memorial items not removed from the property. Items which are not included in this action would include items which have become a permanent part of the building structure such as pews, etc.

The Session agrees to make available items on the inventory of church property to any persons interested in the following order: (1) church members; (2) Presbyterian Churches in the City of Niagara Falls, New York; (3) The Presbytery of Western New York; (4) the general public. Requests must be submitted in writing not later than December 13, 1992 and must contain a listing of those items requested and presented to members of the Session. Items must be removed between December 28 and December 31, 1992 unless prior arrangements are made.

## **Transfer of Title of Property.**

The corporation, as a legal entity, will continue to exist following the dissolution of the congregation of Hyde Park Presbyterian Church for the purpose of winding up the financial affairs of the congregation and all assets and liabilities will remain in the corporation. Following the dissolution of the congregation, the Trustees of the corporation shall be designated by the Presbytery of Western New York. The corporation shall discharge all remaining liabilities of Hyde Park Presbyterian Church and shall preserve and manage the real property until it can be sold. At such time as all of the real property has been sold, the corporation shall be dissolved and the remaining assets of the corporation transferred to the Presbytery of Western New York in accordance with the Book of Order.

The Session will request that all keys be submitted to Ruth Van Horn, (session member) no later than December 31, 1992.

## **III. Financial Condition.**

The present assets of Hyde Park Presbyterian Church total \$19,000 including the General Fund, Maintenance Fund and Memorial Fund. It has been determined there is substantial monies to adequately pay all debts incurred until dissolution date.





Hyde Park PC (USA) 2820 Michigan Avenue Niagara Falls, New York 14305 (716) 297-7181

January 2, 1992

Rev. Richard McFail, Stated Clerk  
Presbytery of Western New York  
2450 Main Street  
Buffalo, NY 14215

Dear Rev. McFail,

A special session meeting was held recently to make a decision regarding the disbursement of the remaining funds of Hyde Park Presbyterian Church after the sale of the property and all bills are paid in full.

A motion was made, seconded and carried to name Pierce Avenue Presbyterian Church, 1815 Pierce Avenue, Niagara Falls, New York 14305 as sole recipient of all remaining funds. This decision was based on the many years of close association that Hyde Park Church and Pierce Avenue Church have shared. For several years the two churches combined their congregations for summer worship services and at Easter and Christmas the choirs from both churches joined together to present cantatas. For the past four years Rev. Robert Bellingham, minister of Pierce Avenue Church, has not only served as moderator of Hyde Park session meetings, but has faithfully donated his time to visit our sick and shut-ins and has been available to all Hyde Park members when needed.

Since the vote to dissolve Hyde Park's congregation occurred, 60% of the congregation has transferred their memberships to Pierce Avenue Church. It seems only appropriate that the remaining funds of Hyde Park Church continue to serve its congregation in this way and to benefit the mission of Pierce Avenue Church in the community.

Please submit this as an addendum to our Plan for Dissolution of Hyde Park Presbyterian Church. Your consideration of our decision is appreciated.

Sincerely,

Members of the Session

cc: Rev. Walter Wenhold  
William Schulz

  
Lois J. Johnston,  
Clerk of Session



HYDE PARK PRESBYTERIAN CHURCH

September 13, 1992

An "informal" meeting of Hyde Park Presbyterian Church congregation was held on Sunday, September 13, 1992 to discuss the future of the church. Members were asked to consider and discuss the following problems and facts as reasons to voluntarily close the church in the near future.

1. Drastic decline in membership due to voluntary transfer, death, disinterest.
2. No new members in past three years.
3. Inactive members haven't returned.
4. No young families, no children *in regular attendance*
5. Prospect of new members in future very dim.
6. Present membership is not young.
7. Have had no minister in three years.
8. Unable to afford even a part-time minister.
9. It is getting more and more difficult to get speakers for Sunday morning worship service. It is becoming embarrassing to ask guests to speak to so few.
10. No participation in Presbytery meetings by our members.
11. Sunday morning worship services have become more of a "social gathering".
12. As of the end of 1992 the following offices will be vacant:
  - treasurer
  - clerk of session
  - three session members' terms end December 1992; probability of them continuing for next three years very slim.
  - voluntary secretarial duties are needed

The above items were discussed at length and a show of hands was asked for those in favor of voluntarily closing the church. The majority were in favor, but the vote was very close.

Suggestions were made as possibilities to renew interest in the church, as follows:

1. Hire a minister
2. Canvas inactive members and the neighborhood.

During the past few years Hyde Park Church has managed to stay open by hiring a speaker each Sunday. We have built up a treasury of about \$15,000, but our income could not support even a part-time minister.



Efforts have been made by the session members in the past two years to renew interest in non-participative members as follows:

- Letters sent to 37 members in December 1990 with news of the church and an invitation to return to church. None returned on a regular basis.
- Letter sent on December 1991 to 23 members advising them of impending removal to inactive rolls. No responses received.
- On March 20, 1992 letters were sent to the same 23 members announcing their removal from active to inactive status. No objection was received.
- We now have 38 "active" members of which approximately 17 attend church. Average Sunday morning attendance is 10-12 people.

Session members stressed to the congregation that our biggest problem is the lack of people and no one to fill the vacancies on the boards and committees. There is no one to handle the daily errands and problems that need to be taken care of as they occur. The member who handles this task has done so for years and, due to personal circumstances, wishes to be relieved of these duties.

Session members also stressed to the congregation that they do not WANT to see Hyde Park Church dissolve, but feel the time has come when we have to be more realistic about the future status of the church. With so few people and no hope for more in the future, serious consideration needs to be given to dissolution of the church vs. continuation as present. A decision was made to investigate the procedure for closing and to call an official meeting of the congregation with Presbytery present and to call for an official vote.

Respectfully submitted

Lois J. Johnston  
Clerk of the Session



NOTES ON THE MEETING WITH ATTORNEY BILL SCHULZ ON TUESDAY, SEPTEMBER 29, 1992 CONCERNING THE GENERAL PROCEDURE FOR CHURCH CLOSING, PARTICULARLY WITH HYDE PARK IN MIND:

1. The session needs to make recommendations to the congregation when and if it should vote to dissolve. The session can put together a plan prior to congregational approval for dissolution and have it available to the congregation on the date of vote, or the congregation, if it votes to dissolve, can adjourn the congregational meeting for a short period of time, ie 2 weeks, while the session puts together a plan for dissolution.

2. Session and congregation need to decide how to handle the dissolution of the corporation and transfer of property:

- a. It can transfer title to Presbytery on a specified date, and Presbytery will be responsible for property upkeep, insurance, sale and payment of liabilities.
- b. Hyde Park can maintain the corporate structure (even if the congregation is dissolved) as part of a Presbytery appointed Commission (2 from session or congregation and 3 from Presbytery, including one minister to head the commission) to handle the disposition of real property, as well as maintenance, insurance and upkeep.  
If Hyde Park chooses to go this way, the Presbytery should be named as an additional insured on the insurance policy.

3. Part of the plan for dissolution needs to be the transfer of membership. Members can transfer prior to the date of dissolution through a letter of transfer prepared by the Clerk of Session, or after the date of dissolution through a letter of transfer from the Presbytery Stated Clerk.

4. Check with Niagara County Clerk's Office in Lockport as to the legal status of Hyde Park Church, corporation papers on file?? Where is the deed, title search and survey, bylaws? Who is insurance carrier? Hyde Park needs to review all their liabilities, including a silent mortgage grant to the denomination in the amount of \$11,238.50. (NOTE: These mortgage grants were issued many years ago, and do not require repayment unless: 1) the corporate existence of the church shall cease, 2) it's house of worship shall be alienated or sold or its use abandoned as a place of public worship.)

5. Have Church property (and manse) appraised, the appraisal and copies of all actions by the session, congregation and Presbytery will be part of the petition to the court for dissolution. Hyde Park may want to consider offering the manse to its tenant first before putting it on the market.

*at least  
7 members  
half clergy, half laity  
only from a church.  
Clergy does not have  
to be moderator  
6-9.05046(3)*



6. Does Hyde Park have a special feeling on some area of mission? They should elect some folks to work on a recommendation for the use of any funds that may be left after the payment of all debts.

Examples: When Covenant-Lebanon Church closed in 1954, they requested that any balance be made available for urban ministry. It has been used over the past years in support of the West Avenue Church, and special grants have been made to Urban Christian Ministry as well as other urban projects.

When the Walden Avenue Church closed in 1970, the church requested that the funds be used to establish the John Duff Memorial Scholarship Fund for the use of seminary students in the pursuit of ministry. It has helped a large number of our candidates continue their calling by assisting with the tuition at theological institutions.

When the Ellwood church closed in 1976, the recommendation from the session/congregation was to use the funds for youth ministry. We invested the net proceeds from the sale of the building and use the income to support Youth Ministry line in our budget, as well as subsidizing the Youth Triennium, and the funds are also available to support the annual mission subsidy to Camp Duffield.

Most recently, the Riverside Church closed last year, and the recommendation that the funds be used to support the Camp Duffield Five-Year Plan were honored. The funds will be used to build a multi-use building/chapel and the building will bear the name of Riverside Church.

Carol Lally, Business Manager, Presbytery of WNY

Margaret Bowen, Interim Associate Executive Presbyter, Presbytery WNY

10/5/92



# PRESBYTERY OF WESTERN NEW YORK

2450 MAIN STREET • P.O. BOX 750 • BUFFALO, NEW YORK 14215-0750 • (716) 835-8056



PRESBYTERIAN  
CHURCH (U.S.A.)

December 9, 1992

Ruth Van Horn, Treasurer  
Hyde Park Presbyterian Church  
2820 Michigan Avenue  
Niagara Falls, NY 14305

Dear Ruth,

This is a difficult time in the life of Hyde Park Church. I'd like to do what I can to make the closure as easy as possible. I look forward to talking with you on December 29th about the disposition of the financial and corporate records.

I anticipate that you will be on board long enough to do the final year end reports and a complete 1992 financial statement, including all special, memorial or invested funds that you may have. This information will be extremely helpful for the Presbytery.

Do you want to do the annual statistical report for General Assembly for 1992, or would you prefer that it be done here in the Presbytery office from your reports? I have them ready to mail, but I need to know what your intentions are on it.

See you on the 29th, weather permitting.

Sincerely,

Carol L. Lally  
Business Manager

cc: Margaret Bowen, Interim Associate Executive Presbyter

P.S. Give me a call if you have any questions.



December 29, 1992

TO: Administrative Commission/Trustees, Hyde Park Church

FROM: Carol Lally, Business Manager

RE: January 6 agenda items

Today Margaret Bowen and I met with Ruth Van Horn of the Hyde Park Church to discuss some of the nuts and bolts items that need to be addressed by the Commission. They are:

1. Ruth passed on the checkbook to me. The Trustees need to determine who will have check signing privileges on the checking account.
2. Ruth has done a final accounting of the church's cash. A financial statement for year ended 12/31/92 is attached. She is also preparing a list of contractors the church has used, ie, plumbers, electricians, furnace installers, etc should the need arise.
3. The Presbytery has the following records:
  - a. certificate of survey for church and manse property dated March 20, 1958 by Alex P. Klettke, Surveyor.
  - b. abstract of title begun November 26, 1827 through March 26, 1957.
  - c. constitution and by-laws of Hyde Park Presbyterian Church as adopted by congregation on January 17, 1962, with revisions through 1982.
  - d. checkbook with a balance of \$17,352.85.
  - e. all bills are paid, all cash deposited. Next utility bills not due to be received until approximately January 10.
  - f. change of address has been filed with the post office. Mail will be forwarded to the Presbytery. Any mail that might be delivered to the church will be given to Margaret to bring in the office.
  - g. the church has been appraised at \$110,000, the manse at \$50,000.
4. The following records are in the possession of the Clerk of Session, Lois Johnston, and will be available to us as soon as minute books and member transfer rolls are updated. Margaret will pick up the books at the church as soon as they are finished:
  - a. Session Minutes
  - b. Trustee Minutes
  - c. Member Roll (including baptisms, marriages, etc.)
5. The Gernold Agency is putting Hyde Park on our insurance policy effective January 1, 1993.
6. Records I do not have include a deed and a certificate of incorporation. (Were they passed on to Bill Schulz?)



7. Issues that need to be addressed by the Commission/Trustees on January 6 are:

1. Will the tenants of the Church property be given some kind of guarantee that they will be able to use the property for the near future? (The Niagara School of Music and the Sunshine Club.) Will the rent remain the same or increase to cover total cost of utilities? How will our insurance and theirs relate to each other. (The Music School's coverage has named the Presbytery as an additional insured, should our insurance also name the music school as an additional insured?)

2. Will we provide for custodial services, ie. shoveling the sidewalk, cleaning the church and/or bathrooms? Do we need to hire someone to take care of this? Should it be done by the tenants?

3. Will the first option for the property sale be given to the tenants?

# REPORT TO TRUSTEES

## HYDE PARK CHURCH FUND

January 1, 1993 - July 27, 1998

Closing Cash Balance from Dissolved Church on 12/31/91 \$17,352.85

### **RECEIPTS 1993 - 1998**

#### Net Income from Sale of Properties:

Manse (2818 Michigan Avenue, 6/15/93)	30,804.21
Church (2820 Michigan Avenue, 7/27/98)	67,403.23

Rental Income	39,259.00
Miscellaneous Income	360.36
Interest Income from Cash Investments thru 1/1/98	<u>19,839.20</u>

**TOTAL RECEIPTS** 157,666.00

### **DISBURSEMENTS 1993 - 1998**

#### Property Expenses:

Insurance, Repairs, Maintenance, Utilities	29,510.42
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**NET FUND BALANCE 7/27/98** 145,508.43

to be divided (per Presbytery Action 7/25/95)

New Church Development Fund	72,754.22 *
Church Redevelopment Fund	72,754.21 *

\* Investment Income from 1/1/98 - 12/31/98 will be added. This calculation and the actual transfer from the Hyde Park Fund will take place on the books on 12/31/98.

Carol L. Lally, Business Manager

08/10/98





*serving Niagara Frontier  
since 1934*

*Dan and Lucy*

**WILSON REALTY**

*128 Lockport Street P.O. Box 319  
Youngstown, N.Y. 14174*

**MARGERY L. STRATTON**

**OWNER**

Office (716) 745-3839  
Fax (716) 745-9584

January 13, 1993

Presbytery of Western New York  
2450 Main Street  
Buffalo, New York, 14214

Attention: Walter Wenhold

Dear Walt:

In answer to your request for an appraisal for fair market value for the property at 2818 Michigan Avenue, Niagara Falls, New York, I present the following information and opinion of value.

The single family dwelling is situated west of the Hyde Park Presbyterian church and both buildings are situated on one lot about 112 x 118, SBL #144.59-1-41. The assessed value covers both buildings and is \$489,700. You asked for an opinion of value on the house alone. If the house is sold, it must be separated with the approval of the City of Niagara Falls.

An inspection of the single family dwelling was made at 4:00 P.M. on Monday, January 11, 1993. The tenant, Jerry Lombardy accompanied me through the house.

The first floor consists of a Living room and dining room combined which is about 36 ft x 15 ft. The kitchen is about 22 x 10 and includes an eating area. The kitchen includes a built-in oven and a counter-top range, a dishwasher and a refrigerator. The tenant stated that the dishwasher is inoperable and there is one burner on the range that is not working. There are two bedrooms: 10 x 11 and 10 x 13 plus a full bath.

The second floor consists of two rooms. The stairway enters the first room and it is necessary to pass through that room to go to the second room which is considered to be a bedroom.

The basement is partitioned; there are laundry facilities and the gas furnace supplies forced air heat to the first floor only. A gas hot water heater supplies the domestic hot water. Numerous cracks in the cellar floor and in the concrete foundation has allowed water to seep in during the wet season. Although there are circuit breakers, there are also some fuses. A combination of galvanized and copper pipes exist for the plumbing.

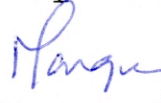
The exterior is frame with wood shingles. An enclosed sunporch is serviced with an airduct providing some heat to this room. A detached one car garage is at the rear of the dwelling and access is from an alley off 32nd Street.

The dwelling is recorded on the tax rolls as having been built in 1930. Similar houses of this size and age in the area have sold in the past year at prices ofr \$50,000 to \$54,000. The porch entrance shows rotted wood, the living room wall has had an artificial fireplace removed and the wall surface is damaged, kitchen counter top is lifted in places, wires are exposed on the wall on the second floor and other necessary repairs are noted.

Due to the above-mentioned defects it is the opinion of this writer that a fair market value of the subject property in 'as is' condition is \$49,900.

The undersigned has been engaged in the sale of Real Estate in Niagara County since 1966. More details will be furnished on request.

Very truly yours,



Margery L. Stratton  
Real Estate Broker  
Lic. No. 348226

cc: Walter Wenhold  
First Presbyterian Church  
149 Broadway  
Tonawanda, NY 14150





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in Engineering*

March 10, 1993  
March 18, 1993 (REVISED)

Hyde Park United Presbyterian Church  
c/o Reverend G. Loren James  
P.O. Box 750  
Buffalo, New York 14215

Re: 2818 Michigan Avenue  
C.O.N.F. File No. 10/1949  
J. Lombardi  
KAI File No. 2776

Gentlemen:

Pursuant to your directive, Krehbiel Associates, Inc. (KAI) has performed an on-site review of the above referenced property. This review was intended to substantiate and quantify required repairs to the property as outlined in the February 1, 1993 inspection report issued by the City of Niagara Falls (C.O.N.F.) Department of Inspections.

On February 8, this office contacted Mr. Virtuoso of the City of Niagara Falls to discuss the intent and content of the February 1 letter. The City would require correction of these vaguely identified issues prior to this structure being acceptable to the City for issuance of a "Certificate of Occupancy", should one be required before transfer of property ownership.

Having coordinated an acceptable date with the occupant, Ms. Lombardi, this office performed an on-site inspection of the building interior and exterior on February 26, 1993. The following should be noted from this inspection:

**ITEM A**

Electrical service is not considered antiquated by this office. Meter set, circuit breakers, range/dryer fuse box (220v.) and disconnect switches are aged but not "antique" and all equipment is serviceable and sound. The service wiring connection to the range/dryer fuse box is poorly wired and the enclosure (box) is not secured.



Wiring between a local convenience outlet and the fused range/dryer panel is cloth covered and must be replaced. This accounts for no more than 2 linear feet. This wire should be replaced per N.E.C. and is mostly labor related. The above mentioned service wiring connection should be redone, wire nutted and tapped securely. The service box then must be wired closed.

PROBABLE COST OF LABOR

1 Electric, 5 hr. @ 40 hr. . . . .	\$200.00
Fuse wire/equipment/parts . . . . .	10.00

ITEM "A" COST . . . . . \$210.00

ITEM B

There are numerous rusty and deteriorated threaded pipe joints not untypical of this type and age of structure. The evidence of deteriorated piping is most pronounced at the water heater leads. There was no evidence of serious piping related problems or leaks. This work at the water heater would be the only necessity prior to sale of the property. Other repairs are considerably more minor and would, in our opinion, not be repaired typically even during a sales procedure. If they're not broke, don't fix them. However, our costs have been developed to be inclusive of minor corrective troubleshooting and repair where piping is accessible.

PROBABLE COST OF LABOR

2 Plumbers, 9 hrs. @ \$45 hr. . . . .	\$810.00
Elbows/fittings, 48 @ \$2 ea. . . . .	96.00

ITEM "B" COST . . . . . \$906.00

Exact quantities and costs cannot be accurately assessed except in areas where the plumbing contractor can readily access at basement ceilings and under sinks, and therefore this number should be considered a "worst case" scenario.

ITEM 3

Roof shingles are old and weathered. They have exceeded their anticipated life yet show no indication of leaking whatsoever as confirmed with the tenant. Replacement has been mandated by the City in the February 1 letter undoubtedly to reflect the age of the shingles and their appearance, not their current integrity. The garage roof does leak and has edge flashing problems.



PROBABLE COST OF WORK

Re-roof existing residence and garage  
Garage, 6.5 sq. / roof @ \$55 sq. . . . \$422.00

Residence (including porches)

15 x 20 / 300 SF

23 x 11 / 253 SF

45 x 31 / 1,400 SF

1,953 SF x \$65 . . . . . 1,267.00

TOTAL RE-ROOFING COSTS . . . . . \$1,689, or \$1,700

ITEM 4

The numerous soil stacks are generally in very good condition with little rust and deterioration, except the soil stack located beneath the bathroom (driveway side). The driveway side soil stack is cracked approximately 24-inches at the base where it immediately enters the floor slab and is leaking at that point. Moisture at the base of the stack is attributable to this crack. Sawcut and removal of a portion of the concrete floor would be required to access this pipe beneath the slab and replacement of the full section of pipe from the lower elbow to the first exposed bell joint in the vertical 4-inch iron pipe should be performed. Backfilling of the excavation with No. 1 gravel (stone) and patching of the concrete floor will be required.

There is no indication that there is a subdrain problem at the perimeter wall as suggested by the tenant. In fact, the basement is considerably clean and dry with little indication of current water problems.

PROBABLE COST OF WORK

Replace 8' soil stack 4" / 8 @ \$15	\$120.00
Cut remove / excavate 3 MH @ \$45	135.00
Replace floor / stone 2 MH @ \$45	
and \$90 material 30 /	120.00
Cut stack / remove 1m / h @ \$45	45.00
Replace elbow @ base / \$40	40.00
Coat pipe 1 @ \$20	20.00
Brace pipe / stack \$30	<u>30.00</u>

TOTAL ITEM 4 . . . . . \$510.00

Hyde Park United Presbyterian Church  
c/o Reverend G. Loren James  
March 10, 1993  
Page Four

---

The replacement of the porch floor deck was unidentified by the City Inspector. However, there exists an immediate need for its repair and is currently in violation of the building safety code. Replacement of the entire wood deck is recommended.

PROBABLE COST OF LABOR

Deck replacement, 48 SF @ \$650 . . . . .	\$312.00
Remove old deck, 48 SF @ \$1 . . . . .	48.00
Steel pipe railing, 6 LF @ \$10 . . . . .	60.00
Painting, \$50 . . . . .	<u>50.00</u>

TOTAL THIS ITEM . . . . . \$470.00

Our "opinion of probable cost" for all mandated improvements and inclusive of the porch floor, would total approximately \$3,800; pursuant to our observation of February 26, 1993.

Sincerely,

KREHBIEL ASSOCIATES, INC.



By  
Ross Nostro  
Project Architect

jc/M-19/2776

cc: William Schultz, Duke Holzman Yaeger & Radlin  
Joseph Palillo, Jr., Director, Department of Inspections,  
City of Niagara Falls



At a Special Term of the Supreme Court of the State of New York, held in and for the County of Erie, at the Erie County Hall, Buffalo, New York, on the 15th day of June, 1993.

Present: Honorable VINCENT E. DOYLE, J.S.C.  
Justice of the Supreme Court

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of THE HYDE PARK UNITED PRESBYTERIAN CHURCH OF NIAGARA FALLS, N.Y. a/k/a HYDE PARK PRESBYTERIAN CHURCH for an Order granting leave to sell real property pursuant to Section 12 of the Religious Corporations Law.

Index No.

ORDER

Upon reading and filing the Petition of The Hyde Park United Presbyterian Church of Niagara Falls, N.Y. a/k/a Hyde Park Presbyterian Church, verified the 8th day of June, 1993, and the exhibits thereto, and notice to the Attorney General of the State of New York not being required by reason of section 2-b(1)(d-1) of the Religious Corporations Law;

And the relief requested by the Petition having been duly approved at a stated meeting of the Presbytery of Western New York held on the 11th day of May, 1993;

And it appearing to the satisfaction of the Court that the provisions of section 12 of the Religious Corporations

Law have been complied with;

And due deliberation having been had thereon;

NOW, on motion of Duke, Holzman, Yaeger and Photiadis (William D. Schulz, Esq., of counsel), attorneys for the Petitioners, it is hereby

ORDERED that the sale by The Hyde Park United Presbyterian Church of Niagara Falls, N.Y. a/k/a Hyde Park Presbyterian Church of the real property commonly known as 2818 Michigan Avenue, Niagara Falls, New York, more fully described in Exhibit A hereto, to Jerri Lombardi and Anthony Presutti, or any other willing purchaser, upon the terms and conditions set forth in the contract of sale be and hereby is approved.

ENTER

s/ VINCENT E. DOYLE, J.S.C.  
Justice of the Supreme Court

VINCENT E. DOYLE, J.S.C.

GRANTED  
June 15, 1993

s/ ROSEMARIE GALBO  
COURT CLERK



Property at 2818 Michigan Ave., Niagara Falls, N.Y.

---

PARCEL "A"

All that tract or parcel of land, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot 22, Township 13, Range 9 of the Holland Land Company's Survey and further described as being Subdivision Lot No. 23 on the north side of Michigan Avenue according to a map made by C. W. Collison and filed in Niagara County Clerk's Office February 28 1929 under Cover No. 561 now in Book 22 of Microfilmed Maps at page 2144

EXHIBIT A

RELEASE OF DECLARATION OF TRUST

KNOW ALL PERSONS BY THESE PRESENTS,

that BOARD OF AMERICAN MISSIONS OF THE UNITED PRESBYTERIAN CHURCH OF NORTH AMERICA n/k/a BOARD OF NATIONAL MISSIONS OF THE PRESBYTERIAN CHURCH (USA)

DOES HEREBY CERTIFY THAT the following Declaration of Trust is hereby released of record.



Declaration of Trust dated October 4, 1934, made by THE HYDE PARK UNITED PRESBYTERIAN CHURCH OF NIAGARA FALLS


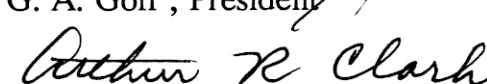
to BOARD OF AMERICAN MISSIONS OF THE UNITED PRESBYTERIAN CHURCH OF NORTH AMERICA

and recorded on October 22, 1934 in Liber 594, page 386 in the office of the Clerk of the County of Niagara State of New York

Dated the 28<sup>th</sup> day of June, 1993

BOARD OF NATIONAL MISSIONS OF THE PRESBYTERIAN CHURCH (USA) f/k/a Board of American Missions of the United Presbyterian Church of North America

  
Brenda S. Sellers  
  
Donna King

  
G. A. Goff, President  
  
Arthur R. Clark, Vice President

STATE OF KENTUCKY  
COUNTY OF JEFFERSON

On the 25<sup>th</sup> day of June, 1993, before me personally appeared G. A. Goff, President and Arthur R. Clark, Vice President of BOARD OF NATIONAL MISSIONS OF THE PRESBYTERIAN CHURCH (USA), the corporation described in and which executed the forgoing instrument; that they know the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and they signed their names thereto by like order.

Cathy A. Shircliffe, Notary Public  
My commission expires April 17, 1995.



Carol



NATIONAL MINISTRIES

PRESBYTERIAN CHURCH (USA)

July 9, 1993

Mr. Michael J. Lombardo  
Duek, Holzman, Yaeger & Photiadis  
2500 Main Place Tower  
Buffalo, New York 14202

RE: Hyde Park United Presbyterian Church of Niagara Falls, New York  
American Mission Donation Grant #101: \$11,238.50

Dear Mr. Lombardo:

In accordance with the above-captioned loan, we enclose:

Release of Declaration of Trust  
Declaration of Trust

As you requested, the close out figure is \$11,238.50. We expect to receive this amount from you within thirty (30) days.

Thank you for your patience in receiving this material.

Sincerely yours,

A handwritten signature in blue ink that reads "Dan W. Park".

Dan W. Park  
Associate for Church Loans

Encl/2

c/c Eunice B. Poethig  
H. Davis Yeuell



Law Offices Of:  
Duke, Holzman, Yaeger & Photiadis

Note: The Bar Association of the County of Erie  
Cautions that this Statement be drawn and approved  
by the attorneys for the Seller and Purchaser.

**REAL ESTATE CLOSING STATEMENT** Date: July 28, 1993

Seller: Hyde Park United Presbyterian Church Purchaser: Jerri M. Lombardi and Anthony Presutti  
2818 Michigan Avenue Niagara Falls Niagara  
No. and Street Address of Property Being Sold City - Town - Village County

Closing Date: August 3, 1993 (With adjustments made according to this Date).

**PURCHASE PRICE:** \$ 43,000.00

**Additions to Purchase Price:**

Town/County Tax \$ \_\_\_\_\_/yr ÷ 365 days = \$ \_\_\_\_\_/day x \_\_\_\_\_ days prepaid \_\_\_\_\_

City/Village Tax \$ \_\_\_\_\_/yr ÷ 365 days = \$ \_\_\_\_\_/day x \_\_\_\_\_ days prepaid \_\_\_\_\_

School Tax \$ \_\_\_\_\_/yr ÷ 365 days = \$ \_\_\_\_\_/day x \_\_\_\_\_ days prepaid \_\_\_\_\_

Sewer Tax \$ \_\_\_\_\_/term ÷ \_\_\_\_\_ days = \$ \_\_\_\_\_/day x \_\_\_\_\_ days prepaid \_\_\_\_\_

Water Bill \$ \_\_\_\_\_/term ÷ \_\_\_\_\_ days = \$ \_\_\_\_\_/day x \_\_\_\_\_ days prepaid \_\_\_\_\_

Bank Escrow Assigned to Purchaser: \_\_\_\_\_

Other: \_\_\_\_\_

**TOTAL AMOUNT DUE SELLER:** \$ 43,000.00

**LESS: CREDITS TO PURCHASER:**

Total Deposits paid to Real Estate Broker: \$ 1,000.00

Assumed Tax and Water Bills:

\_\_\_\_\_ Tax \$ \_\_\_\_\_/yr ÷ 365 days = \$ \_\_\_\_\_/day x \_\_\_\_\_ days \$ \_\_\_\_\_

\_\_\_\_\_ Tax \$ \_\_\_\_\_/yr ÷ 365 days = \$ \_\_\_\_\_/day x \_\_\_\_\_ days \_\_\_\_\_

\_\_\_\_\_ Tax \$ \_\_\_\_\_/yr ÷ 365 days = \$ \_\_\_\_\_/day x \_\_\_\_\_ days \_\_\_\_\_

Water Bill \$ \_\_\_\_\_/\_\_\_\_\_ days ÷ \_\_\_\_\_ days = \$ \_\_\_\_\_/day x \_\_\_\_\_ days \_\_\_\_\_

Rents: Total paid - \$ \_\_\_\_\_/mo. = \$ \_\_\_\_\_/day x \_\_\_\_\_ days \_\_\_\_\_

Security Deposits: \_\_\_\_\_

Other: \_\_\_\_\_

**LESS: TOTAL CREDITS TO PURCHASER:** \$ 1,000.00 - 1,000.00

**BALANCE DUE ON CLOSING:** \$ 42,000.00

**PAID AS FOLLOWS:**

To: Presbyterian Church (U.S.A.), A Corporation \$ 11,238.50  
(First mortgage payoff amount to \_\_\_\_\_ (date),  
thereafter \$ \_\_\_\_\_ per diem).

To: \_\_\_\_\_ \$ \_\_\_\_\_  
(Second mortgage payoff amount to \_\_\_\_\_ (date),  
thereafter \_\_\_\_\_ per diem).

Check of Lackport Savings No. 25-000090 26,373.24

Check of NCEE Federal Credit Union No. 142 4,388.26

Check of \_\_\_\_\_ No. \_\_\_\_\_ \_\_\_\_\_

Cash \_\_\_\_\_

**TOTAL AMOUNT RECEIVED BY SELLER:** \$ 42,000.00

Maria C. Doyle 8/3/93  
Signature of Attorney for Purchaser Date

**DISBURSEMENTS OF SELLER**

Search \$ 325.00

Search Continuation \_\_\_\_\_

Survey 350.00

Tax Receipts/Certificates 11.00

File one Discharge(s) of Mortgage(s) 16.50

FILE:

Combined Transfer and Capital Gains Tax 6.00  
Form No. TP-584

No Judgments - Affidavit \_\_\_\_\_  
\_\_\_\_\_ Affidavit \_\_\_\_\_  
\_\_\_\_\_ Affidavit \_\_\_\_\_

NY State Transfer Tax 172.00

County of Erie - NFTA Transfer Tax \_\_\_\_\_

Other: \_\_\_\_\_

Broker's Commission - TOTAL \$ - 0 -

Amount Prepaid \$ - 0 - - 0 -

Legal Services of Seller's Attorney \_\_\_\_\_

**TOTAL DISBURSEMENTS \$** 880.50

**DISBURSEMENTS OF PURCHASER**

Survey Certification \$ \_\_\_\_\_

Filing Deed \_\_\_\_\_

NY State Equalization Report - Form No. EA5217 \_\_\_\_\_

Filing Mortgage \_\_\_\_\_

NY State Mortgage Tax \_\_\_\_\_

Document Preparation Fee \_\_\_\_\_

Judgment Search \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

NOTE: 1. Other disbursements of Purchaser are listed on Lender's Closing Statement, including Title Insurance Premium, Appraisal and Underwriting Fees, initial deposit in Tax Escrow Account, etc.. This document should be read together with Lender's Closing Statement, if any.

NOTE: 2. Purchaser has paid \$ \_\_\_\_\_ for \_\_\_\_\_ points as part of the Closing Costs and may be entitled to a tax deduction for same - see your tax preparer.

Legal services of Purchaser's Attorney \_\_\_\_\_

**TOTAL DISBURSEMENTS \$** \_\_\_\_\_



August 3, 1993

Dan W. Park  
Associate for Church Loans  
Presbyterian Church U.S.A.  
100 Witherspoon Street  
Louisville, Kentucky 40202-1396

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Re: Hyde Park United Presbyterian Church of Niagara  
Falls, New York  
American Mission Donation Grant No. 101: \$11,238.50

Dear Mr. Park:

As a follow-up to your July 9, 1993, correspondence, I am enclosing herewith Lockport Savings Bank check No. 25-020291, made payable to Presbyterian Church (U.S.A), a corporation, in the amount of \$11,238.50 representing the closeout figure of the above donation grant.

Thank you for your assistance in connection with this matter.

Very truly yours,

DUKE, HOLZMAN, YAEGER & PHOTIADIS

Michael J. Lombardo

MJL/mbf

Enclosure



TELLER CHECK



25-020290

50-1006/0214

REMITTER

August 3, 1993

PAY

LOCKPORT \$26,373.01's 24cts

TO THE ORDER OF \*\*\*Jerri M. Lombardi & Anthony J. Presutti\*\*\*

Lombardi/24023780

Payable through National  
New York, N.Y. 10017-5000

*Jerri M. Lombardi*

AUTHORIZED SIGNATURE

⑈ 25020290⑈ ⑆ 021410064⑆ 00212⑈ 0442⑈

Hyde Park Presbyterian Church CTA  
Balance of proceeds re sale of  
2818 Michigan Ave, Niagara Falls

**DUKE, HOLZMAN, YAEGER & PHOTIADIS**  
**ATTORNEYS AT LAW**  
2500 MAIN PLACE TOWER  
BUFFALO, NY 14202

149

10-4/220  
BRANCH 30

August 05, 19 93

PAY  
TO THE  
ORDER OF Hyde Park Presbyterian Church

\$ 4,433.97\*\*

Four Thousand Four Hundred Thirty-Three and 97/100 - - - - - DOLLARS



Manufacturers and Traders Trust Company  
One M & T Plaza Office

ATTORNEY TRUST ACCOUNT  
CLIENT'S

FOR Balance of proceeds re S/O

*[Signature]*

⑈ 000149⑈ ⑆ 022000046⑆ 00666⑈ 490 8⑈



DUKE, HOLZMAN, YAEGER & PHOTIADIS

ATTORNEYS AT LAW

2500 MAIN PLACE TOWER  
BUFFALO, NEW YORK 14202

716-855-1111

TELECOPIER 716-855-0327

WILLIAM D. SCHULZ  
PARTNER

August 5, 1993

Mrs. Carol Lally  
Presbytery of Western New York  
2450 Main Street  
P.O. Box 750  
Buffalo, NY 14215-0750

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
# 325 988 877

Re: Hyde Park Presbyterian Church

Dear Carol:

As I mentioned on the telephone yesterday, the sale of 2818 Michigan Avenue, Niagara Falls, New York, by Hyde Park Presbyterian Church was closed on August 3, 1993. A copy of the closing statement is enclosed. The amount due Hyde Park Presbyterian Church at the closing was \$43,000, which is accounted for as follows:

Paid to Presbyterian Church (U.S.A.) to discharge mortgage	\$11,238.50
Paid to this firm for disburse- ments advanced (see enclosed disbursement bill)	954.29
Teller check from Lockport Savings Bank #25-020290 enclosed herewith	26,373.24
Check from our client trust account enclosed herewith	<u>4,433.97</u>
	\$43,000.00

A copy of the Release of Declaration of Trust, dated June 28, 1993, from the Board of National Missions of The Presbyterian Church (U.S.A.) is enclosed for your records. This was recorded in the Niagara County Clerk's



Mrs. Carol Lally  
Re: Hyde Park Presbyterian Church  
August 5, 1993  
Page 2

Office in connection with the closing. A copy of our letter to Dan W. Park, Associate for Church Loans, dated August 3, 1993, transmitting the payment is enclosed.

We will prepare a bill for our services in connection with this matter shortly. However, I did not want to delay forwarding the proceeds to you until we could do this.

If you have any question about any of the enclosures, just give me a call.

All the best.

Very truly yours,

DUKE, HOLZMAN, YAEGER & PHOTIADIS

  
WILLIAM D. SCHULZ

WDS/cjb  
Enc.  
cc: Rev. Walter Wenhold



Hyde Park Presbyterian Church  
c/o Reverend Walter Wenhold  
First Presbyterian Church  
149 Broad Street  
Tonawanda, New York 14150

DUKE, HOLZMAN, YAEGER & PHOTIADIS

ATTORNEYS AT LAW  
2500 MAIN PLACE TOWER  
BUFFALO, NEW YORK 14202-3789

August 5, 1993

FEDERAL ID NO. 16-0976728

716-855-1111

FAX: 716-855-0327

For disbursements advanced in connection  
with the sale of 2818 Michigan Avenue,  
Niagara Falls, New York, as follows:

McIntosh & McIntosh Inc. - survey	\$350 00
Ticor Title Guarantee Corp. - title search	325 00
Niagara County Clerk	
Transfer tax	172 00
Filing fees for Deed and related documents	38 50
Filing fee for Petition and Order approving sale	5 00
Fees for tax receipts	20 00
Mileage in connection with closing in Lockport	16 52
Long distance telephone	1 76
Photocopying expense	10 40
Special postage	<u>15 11</u>
 TOTAL DISBURSEMENTS	 <u>\$954 29</u>

Hyde Park Presbyterian Church  
c/o Reverend Walter Wenhold  
First Presbyterian Church  
149 Broad Street  
Tonawanda, New York 14150

DUKE, HOLZMAN, YAEGER & PHOTIADIS

ATTORNEYS AT LAW  
2500 MAIN PLACE TOWER  
BUFFALO, NEW YORK 14202-3789

August 26, 1993

FEDERAL ID NO. 16-0976728

716-855-1111

FAX: 716-855-0327

For legal services rendered in connection with the sale of 2818 Michigan Avenue, Niagara Falls, New York, including the following:

Services in Connection with Petition to Supreme Court for Approval of Sale

1993  
May

- |    |  |
|----|--|
| 24 | Drafting petition for Court approval of sale of real property. (WDS) |
| 25 | Continue drafting petition. (WDS)                                    |
| 26 | Revising petition and preparing related documentation. (WDS)         |
| 27 | Detail re petition to Supreme Court and related matters. (WDS)       |

June

- |    |  |
|----|--|
| 7  | Finalizing petition, drafting Order approving sale. (WDS)  |
| 15 | Brief conference with Mr. Schulz re securing Supreme Court Order approving sale and telephone conference with Court re procedure for same, to Supreme Court, Part 28, in connection with Order from Justice Doyle. (JLD) |
| 16 | Detail re securing Order approving sale. (JLD)   |

July

- |    |   |
|----|---|
| 13 | Telephone conference with Mrs. Drehs of Niagara County Clerk's Office, correspondence with Mrs. Drehs forwarding Petition and Order for filing. (CJS) |
|----|---|



Hyde Park Presbyterian Church

Page 2

DUKE, HOLZMAN, YAEGER & PHOTIADIS

ATTORNEYS AT LAW  
2500 MAIN PLACE TOWER  
BUFFALO, NEW YORK 14202-3789

FEDERAL ID NO. 16-0976728

716-855-1111

FAX: 716-855-0327

- |    |  |  |  |  |  |
|----|--|--|--|--|--|
| 14 | Telephone conference with Mrs. Drehs re additional filing fee required, correspondence with Mrs. Drehs forwarding same.(CJS) |  |  |  |  |
|----|--|--|--|--|--|

FEE

\$970 00

Services in Connection with  
the Sale Transaction Generally

1993  
February

- |   |  |  |  |  |  |
|---|--|--|--|--|--|
| 5 | Various telephone conferences with W. Wenhold, William Harrington, KAI Associates, Niagara Falls Building Inspector re violations at manse, telephone conference with W. Wenhold and attorney Mark Gabriele. (WDS) |  |  |  |  |
|---|--|--|--|--|--|

May

- |    |   |  |  |  |  |
|----|---|--|--|--|--|
| 7  | Reviewing and revising contract, telephone conference with Chris Doyle, attorney for purchasers. (WDS)                                    |  |  |  |  |
| 11 | Review contract, review existing title searches and survey, arrange for premises only title search, survey and receipted tax bills. (MJL) |  |  |  |  |
| 24 | Reviewing mortgage affidavit to be signed by seller, telephone conference with bank loan officer. (WDS)                                   |  |  |  |  |
| 25 | Various telephone conferences re mortgage documents and related matters. (WDS)  |  |  |  |  |

June

- |   |  |  |  |  |  |
|---|--|--|--|--|--|
| 8 | Check on status of search and survey.(MJL) |  |  |  |  |
|---|--|--|--|--|--|

Continued on next page.

Hyde Park Presbyterian Church

Page 3

DUKE, HOLZMAN, YAEGER & PHOTIADIS

ATTORNEYS AT LAW

2500 MAIN PLACE TOWER

BUFFALO, NEW YORK 14202-3789

FEDERAL ID NO. 16-0976728

716-855-1111

FAX: 716-855-0327

- |        |   |  |  |  |  |
|--------|---|--|--|--|--|
| 9      | Telephone conference with representative from title search company clarifying search needed. (MJL)  |  |  |  |  |
| 14     | Review title search, telephone conference with representative from search company, reviewing coverage of Declaration of Trust in favor of Presbyterian Church with respect to property being sold, conference with Mr. Schulz. (MJL)                    |  |  |  |  |
| 15     | Prepare proposed deed, transfer gains tax affidavit, equalization form, water guarantee and smoke detector affidavit, correspondence to Presbyterian Church requesting release of Declaration of Trust, telephone conference with attorney Doyle. (MJL) |  |  |  |  |
| 16     | Preliminary review of survey. (MJL)   |  |  |  |  |
| 23     | Send proposed closing documents to purchaser's attorney, review proposed addendum to contract. (MJL)  |  |  |  |  |
| 30     | Review purchaser's mortgage commitment, send copy of contract addendum to attorney Doyle. (MJL)   |  |  |  |  |
| July 1 | Contact Mr. Kirkland's office re follow up to request for release of Declaration of Trust. (MJL)  |  |  |  |  |
| 2      | Telephone conference with Mr. Pack re release of Declaration of Trust. (MJL)  |  |  |  |  |
| 8      | Review copy of correspondence received from attorney Doyle, conference with Mr. Sindho arranging for certified copy of Order,   |  |  |  |  |

Continued on next page.



Hyde Park Presbyterian Church

Page 4

DUKE, HOLZMAN, YAEGER & PHOTIADIS

ATTORNEYS AT LAW  
2500 MAIN PLACE TOWER  
BUFFALO, NEW YORK 14202-3789

FEDERAL ID NO. 16-0976728

716-855-1111

FAX: 716-855-0327

Continued

- |    |   |
|----|---|
| 8  | complete deed by including information not available at time deed was first drafted and send a copy to attorney Doyle, follow up with Mr. Parks re status of release of Declaration of Trust. (MJL) |
| 8  | Conference with Mr. Lombardo. (CJS)   |
| 12 | Review release of Declaration of Trust, send a copy of same to attorney Doyle. (MJL)  |
| 20 | Telephone conference with attorney Doyle to schedule closing. (MJL)   |
| 21 | Preparing closing statement and forwarding same to attorney Doyle. (MJL)  |

August

- |   |  |
|---|--|
| 2 | Conference with Mr. Smolka re closing arrangements telephone conference with attorney Doyle re closing checks. (MJL) |
| 2 | Conference with Mr. Lombardo re closing of sale transaction. (CJS)   |
| 3 | Representation at closing of real estate transaction in Lockport, conference with Mr. Lombardo. (CJS)                |
| 3 | Send grant payoff proceeds to Presbyterian Church USA. (MJL)   |
| 4 | Correspondence with Mr. Doyle. (CJS)   |

FEE

1,350 00

TOTAL FEES

\$2,320 00

Continued on next page.

Hyde Park Presbyterian Church

Page 5

DUKE, HOLZMAN, YAEGER & PHOTIADIS

ATTORNEYS AT LAW  
2500 MAIN PLACE TOWER  
BUFFALO, NEW YORK 14202-3789

FEDERAL ID NO. 16-0976728

716-855-1111

FAX: 716-855-0327

DISBURSEMENTS:

Photocopying, long distance telephone and  
fax charges

4 58

TOTAL FEES AND DISBURSEMENTS

\$2,324 58



REPORT TO TRUSTEES  
PRESBYTERY OF WESTERN NEW YORK

**HYDE PARK MANSE SALE**  
2818 Michigan Avenue

Sale price 43,000.00

Expenses against sale:

Mortgage discharge 11,238.50  
(Presbyterian Church, (U.S.A.))

Search, Survey Etc. 880.50

copy cost, phone, mileage 73.79

Net proceeds received 30,807.21

Account payable:

legal fees, DUKE, HOLZMAN, YAEGER &  
PHOTIADIS 2,324.58  
William D. Schulz, Attorney

NET PROCEEDS FROM SALE OF HYDE PARK MANSE 28,482.63

August 31 balance of Hyde Park Dissolution Fund: 48,134.53  
(includes \$30,807.21 listed above)

***REQUEST PERMISSION TO TRANSFER \$40,000 TO  
HAROLD C. BROWN INVESTMENT ACCOUNT***



## DUKE, HOLZMAN, YAEGER &amp; PHOTIADIS LLP

ATTORNEYS AT LAW  
2500 MAIN PLACE TOWER  
BUFFALO, NEW YORK 14202

716-855-1111

TELECOPIER 716-855-0327

WILLIAM D. SCHULZ  
PARTNER

## FACSIMILE TRANSMISSION SHEET

NO. OF PAGES  
(INCLUDING THIS SHEET): 2

DATE: February 5, 1998  
TO: Carol Lally  
Presbytery of Western New York  
FAX # (716) 835-8072  
FROM: WILLIAM D. SCHULZ

REMARKS: Re: Hyde Park Presbyterian Church

A copy of the legal description for the church property at 2820 Michigan Avenue, Niagara Falls, New York, follows.

IF YOU DO NOT RECEIVE ALL OF THE PAGES OR IF THEY ARE ILLEGIBLE, PLEASE CALL US AT (716) 855-1111 OR USE TELECOPIER NUMBER (716) 855-0327.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.



Hyde Park Presbyterian Church  
2820 Michigan Avenue  
Niagara Falls, New York

All that tract or parcel of land situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot 22, Township 13, Range 9 of the Holland Land Company's Survey and further described as being Subdivision Lots No. 25 and 27 on the north side of Michigan Avenue according to a map made by C.W. Collison and filed in Niagara County Clerk's Office February 28, 1929 under Cover No. 561 now in Book 22 of Microfilmed Maps at page 2144.



SUBJECT PHOTOGRAPHS



CHURCH FRONT AND EAST SIDE



CHURCH REAR AND EAST SIDE



SUBJECT PHOTOGRAPHS (Cont'd)



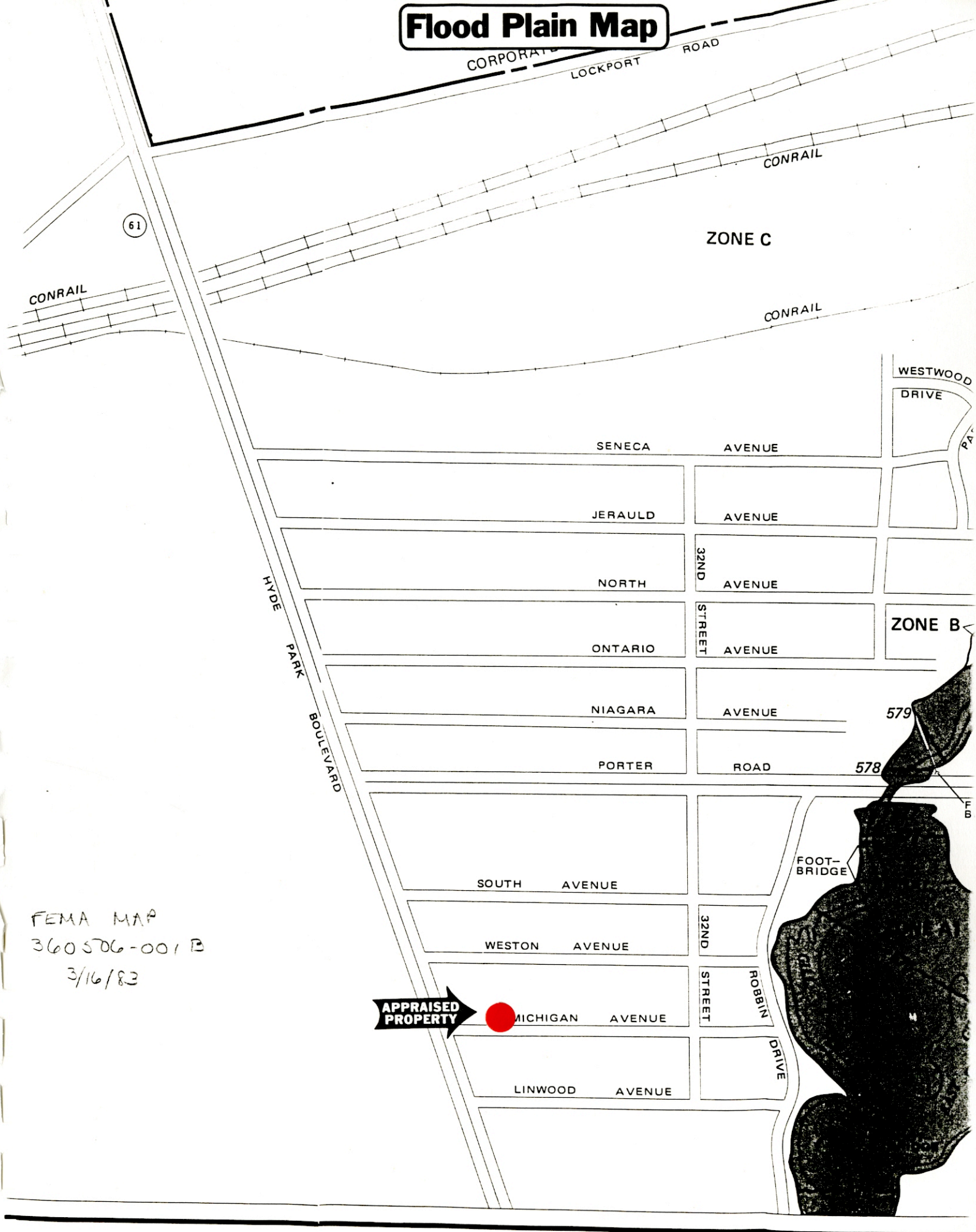
CHURCH INTERIOR



MICHIGAN AVENUE FACING EAST



# Flood Plain Map



FEMA MAP  
360506-001B  
3/16/83



CONTROL NO.: 90-311

PROPERTY CLASS: 620

SWISS CODE: 291100

STATE/COUNTY: NEW YORK/NIAGARA

MUNICIPALITY: NIAGARA FALLS

STREET ADDRESS: 1929 HYDE PARK BOULEVARD

DESCRIPTIVE LOCATION:

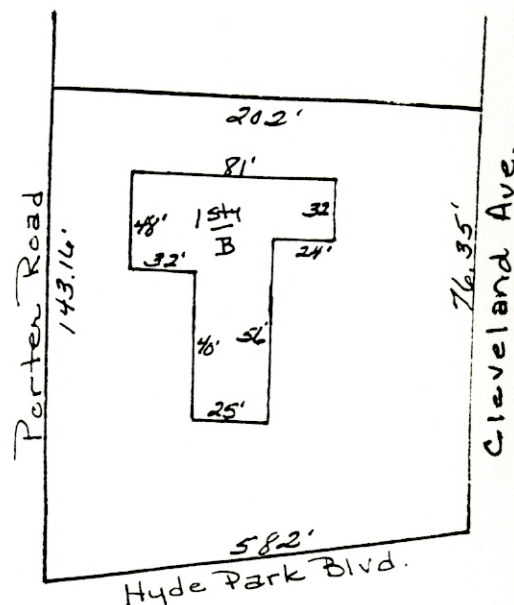
N/E/C HYDE PARK BOULEVARD BETWEEN CLEVELAND AND PORTER ROADS

COMPARABLE BLDG. SALE NO. 1

PROPERTY TYPE: CHURCH WITH LIVE IN

PAGE/FRAME: 139/5

SBL NO.: 144.051-3-1



SALES PRICE: \$95,000

DATE OF DEED: 12/13/88

GRANTOR: ZION EVANGELICAL LUTHERAN CHURCH

GRANTEE: WORD OF LIFE MINISTRIES

FINANCING: CASH

ZONING: R-1 RESIDENTIAL

PRICE PER UNIT: \$21.09/SF

VERIFIED: DEED, ASSESSOR'S OFFICE, GRANTOR AND GRANTEE

LOT SIZE: 582' x 76.35' X 143.16' X IRREG OR 22,171

LAND TO BLDG. RATIO: 4.92:1

CONDITION: AVERAGE/FAIR

DESCRIPTION/APPRAISERS ANALYSIS:

THIS IS A ONE STORY WOOD FRAMED CHURCH WITH LIVE-IN ROOMS AND ACCOMMODATIONS. THE SALE CONTAINS A COMBINATION OF GABLE AND HIP STYLE ROOF DESIGN WITH 12' CEILINGS IN SOME AREAS. PER THE ASSESSOR'S OFFICE, THE BASEMENT IS FINISHED WITH MEETING ROOM, SUNDAY SCHOOL ROOM, AND REST-ROOMS.

REVENUE STAMPS: \$3380

RECORDED: 12/23/88 LIBER/PAGE: 2164/173

UTILITIES: GAS: X

WATER: X

ELEC: X

SEWER: X

BLDG. AREA: 4,504 +/- SF

BSMT: 4,504 1ST: 4,504 SF 2ND: N/A

ACTUAL AGE: 49 YRS EFF. AGE: 35 YRS

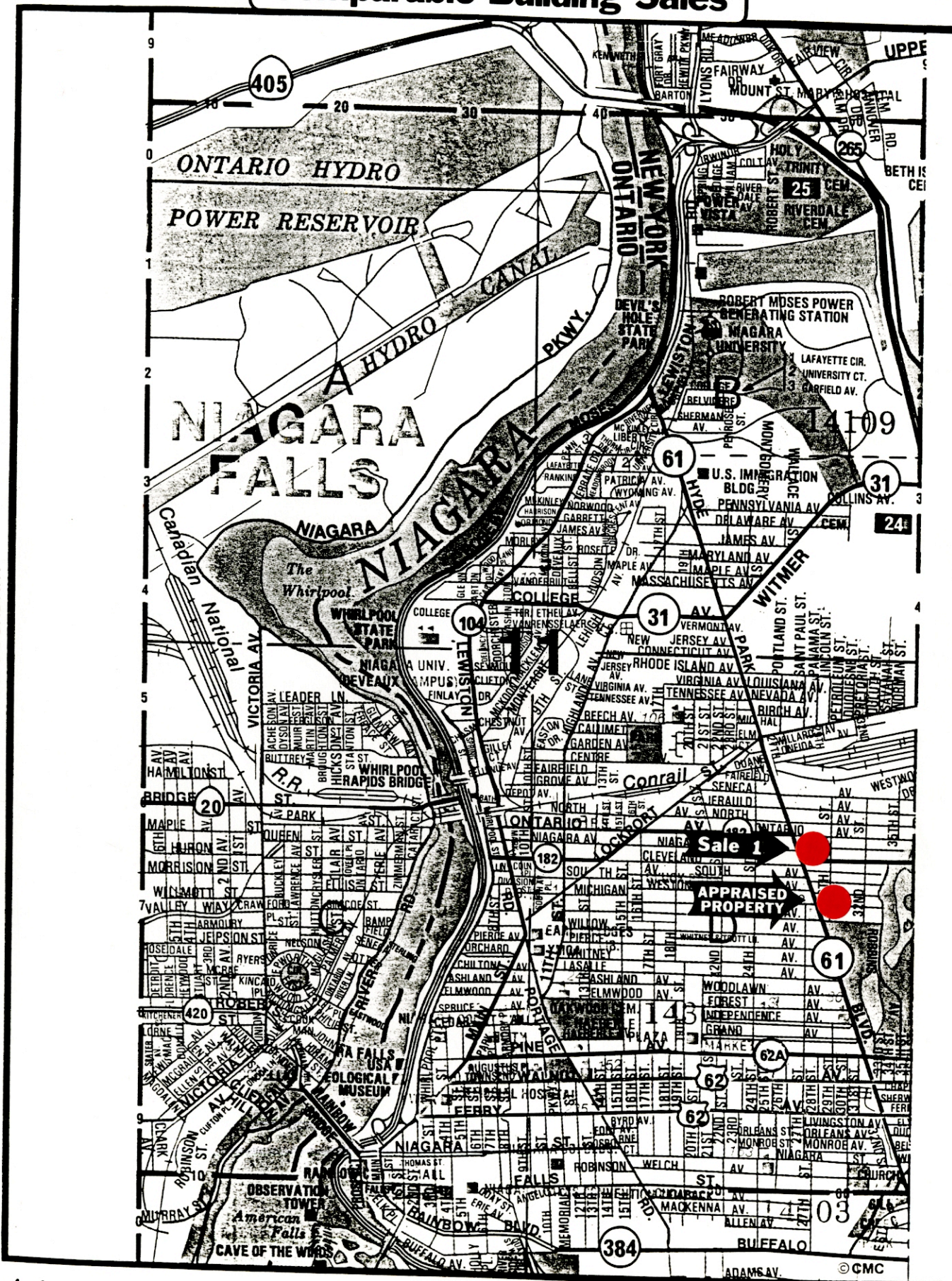
DATE AMENDED:

FILE LAST USED IN:



# Comparable Building Sales

WEST BOUNDARY





2-684

## BUILDING SKETCH





SUBJECT PHOTOGRAPHS



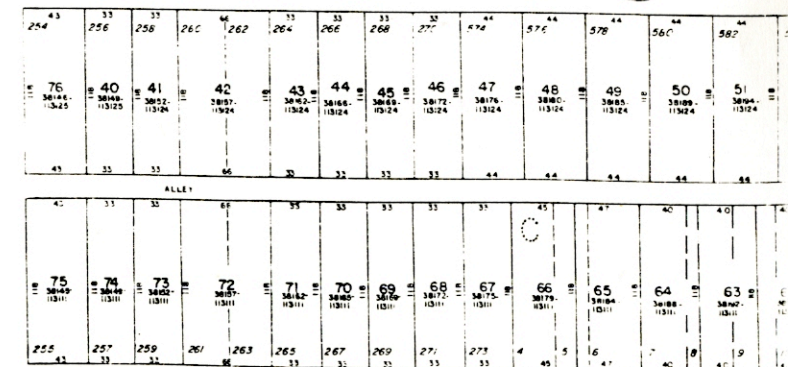
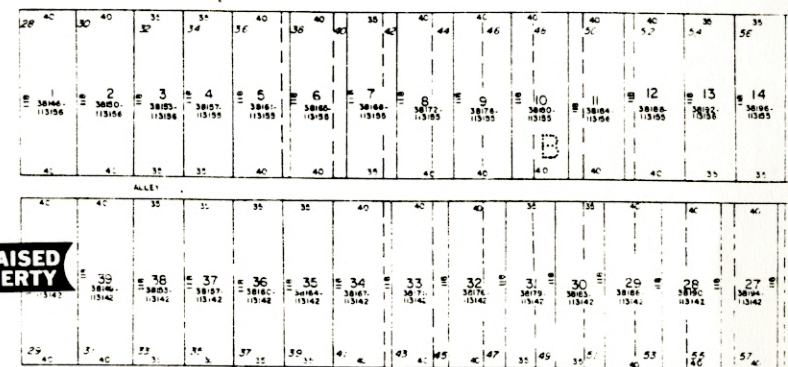
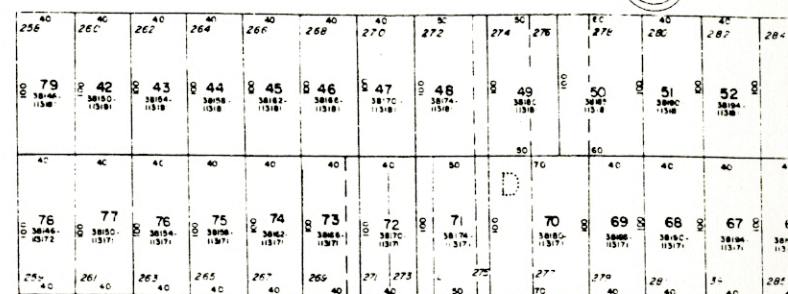
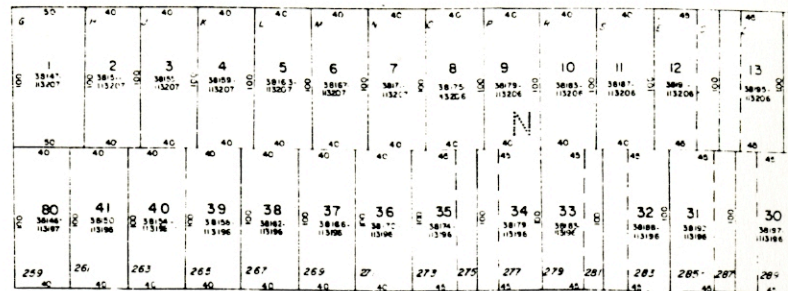
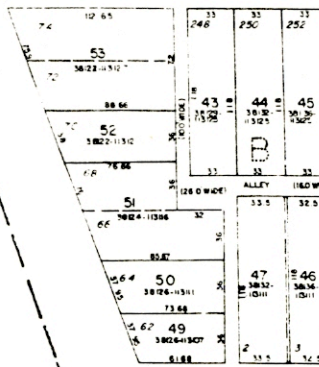
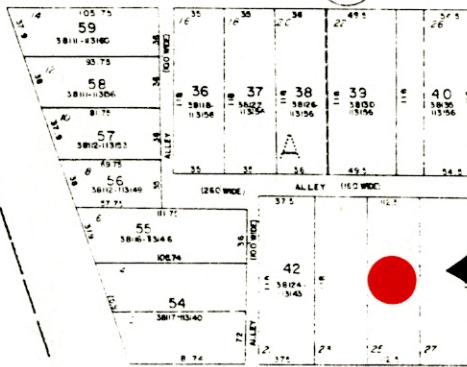
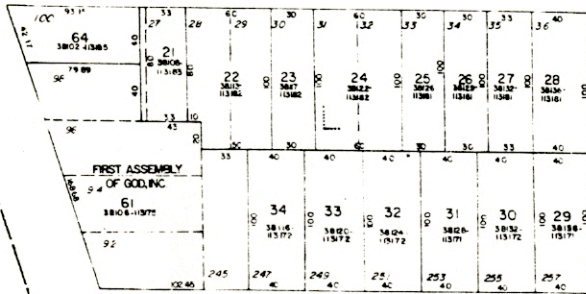
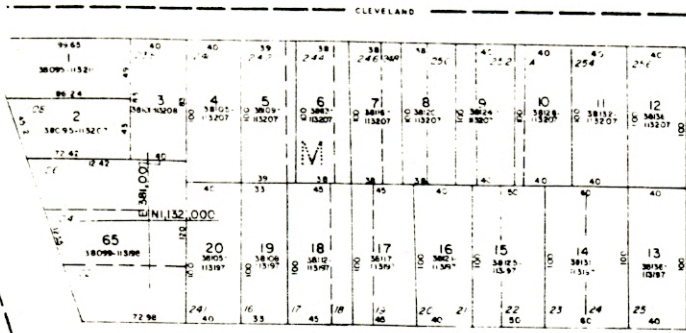
FRONT VIEW



REAR VIEW



# Tax Map Location



APPRAISED PROPERTY

1/32.000  
1/32.000

REVISION TABLE		REVISION TABLE		SPECIAL DISTRICTS		PROPERTY LINE		TOWN LINE	
DATE	MADE BY	CHANGES OR ADDITIONS	DATE	MADE BY	CHANGES OR ADDITIONS	SCHOOL CITY OF NIAGARA FALLS SCHOOL	PROPERTY LINE	ORIGINAL LOT LINE	TOWN LINE
1987	RPT	DELETED 13A00000	1987	RPT	DELETED 13A00000	FIRE NO TAXABLE FIRE DISTRICT	PROPERTY LINE	ORIGINAL LOT LINE	VILLAGE OR CITY LINE
1988	RPT	DELETED 13A00000	1988	RPT	DELETED 13A00000	WATER	PROPERTY LINE	ORIGINAL LOT LINE	BLOCK LIMIT
							PROPERTY LINE	ORIGINAL LOT LINE	GREAT LOT LINE
							PROPERTY LINE	ORIGINAL LOT LINE	SCHOOL DISTRICT LINE
							PROPERTY LINE	ORIGINAL LOT LINE	WATER DISTRICT LINE



ALEX P. KLETTKE, SURVEYOR  
2492 LINWOOD AVE. NIAGARA FALLS, N. Y.

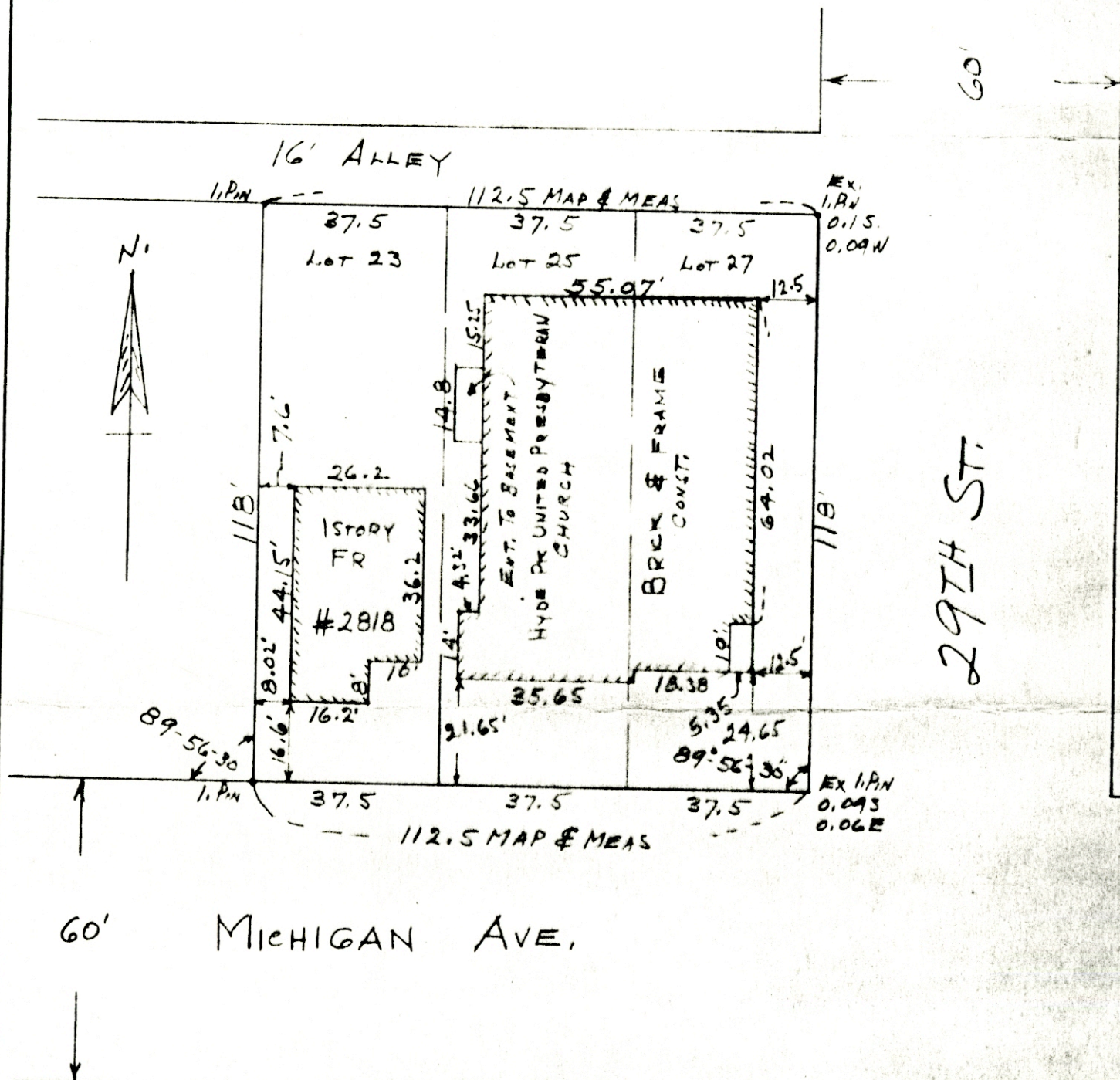
CERTIFICATE OF SURVEY

MARCH 20-1958

I hereby certify that I have made a survey of Lots 23, 25 & 27 ON THE NORTH SIDE OF MICHIGAN AVE., NIAGARA FALLS, N.Y.

66478

NOTE - NO ENCROACHMENTS



Survey at request of HYDE PR, UNITED PRESBYTERIAN CHURCH - OWNERS

Scale 1" = 30'

Alex P. Klettke N. Y. S. Lic. 13150

Job No. 1349